GOVERNOR BROWN'S VETO MESSAGE. ed, among other things, for the appoint-We publish this morning the message ment by the governor of a state superinof Governor John C. Brown, veteing the tippling bill. It will be seen that his duty it shall be to supervise the public action is predicated on constitutional schools of the State, for which anything objections, and that he does not discuss but ample provision is made. The He Regards it Inconsistent with the the policy of the bill which he vetoes duties of this officer are made The message of Governor Brown should merous and burdensome, and will

worthy of all praise. While a candidate last fall, Governor Brown boldly and unequivocally, in all his speeches, denounced repudiation, favored the funding of the public debt, or some measure by which the credit of the State could be maintained. He was sustained in this position by the press and the peo- ville Press and Herald he has made a sion that neither in the mode of its pasple of the State. He was elected, with a full knowledge of his views, by the people. When the legislature characterized by fairness and candor. erner Brown in his message and in achieved deserved success and establish- tricts, is it consistent with the constitu augural address again favored the policy ed himself firmly in the popular esteem tion. of funding the State debt, and thereby as a fluent and graceful speaker and mission to the house was adopted in lieu preserving the honor and credit of the State. The legislature passed a funding bill, but refused to increase the taxes necessary to meet the payment of the interest. But the funding bill as passed provides that the taxes raised by the revenue bills of the State should be set apart for the payment of the interest on the funded debt, thus leaving nothing to Brown has given another proof of his of the constitution?" That provision is the funded debt, thus leaving nothing to pay the current expenses of the State, sagacity and determination to consult as follows: "Every bill shall be rea-The legislature adjourned without set- the best interests of the people. thing this matter, and the financial ques tion now is not whether we can pay the July interest in 1874, and the January interest in 1875, but will we pay the current expenses of the State govern- the redistricting of the State as follows: in each house, the assent of a majority ment, the interest being fully provided for? If, as required by the funding bill, all the revenues of the State should be applied to the payment of the interest on the State debt, the credit of the State will be sustained. But at the same time the current expenses of the State will be unprovided

for and unusid. The tax-paying people of Tennesser will sustain Governor Brown in his his pledges made while a candidate. They will gird themselves with reno vated patience, relying upon the great natural resources of the State, and press forward with renewed and inreasing energy, economy and industry, earing like honest men and panecessary burdens to sustain our State credit and develope agricultural resources. Governor Brown has fought the good fight, acted well his part. He sees, and feels and knows that Tennessee, with the historic glories of other days, and all her natural and ti isurpassed advantages; her inexhausatable physical resources; her rich by the foul blot of repudiation. If Ten-

cussing the mode of public executions, destion. It says: "We choke a man to death for a quarter of an hour or more, when every avowed purpose of the law would be subserved by an instantaneous and comparatively painless death. We present them from committing more prevent them from committees a statute, establishing a page 140, note, it is said: 'But the rule again,' But the rule again,' But the rule again,' But the rule again, the said: 'But the rule is the "barbarous brutality of strangumurders, and second, to warn others from evil by their example. Neither of these objects are forwarded by the tordeath, in strict privacy, would impress much more powerfully the imagination much more powerfully the imagination form a code based upon the European THING BUT MANDATORY."

Not from the legislator, we cannot see that the government is endeavoring to fits enactment it possessed it not. If it has that character at all, it must have been conferred by a flat of a portion of the Condition that the government is endeavoring to fits enactment it possessed it not. If it has that character at all, it must have been conferred by a flat of a portion of the Condition that the government is endeavoring to fits enactment it possessed it not. If it has that character at all, it must have been conferred by a flat of a portion of the Condition that the government is endeavoring to fit has that character at all, it must have been conferred by a flat of a portion of the Condition that the government is endeavoring to fit has that character at all, it must have been conferred by a flat of a portion of the Condition that the government is endeavoring to fit has that character at all, it must have been conferred by a flat of a portion of the Condition that the government is endeavoring to fit has that character at all, it must have been conferred by a flat of a portion of the Condition that the government is endeavoring to fit has that character at all, it must have been conferred by a flat of a portion of the Condition that the government is endeavoring to fit has that character at all, it must have been conferred by a flat of a portion of the Condition that the government is endeavoring to flat of a portion of the Condition that the government is endeavoring to fit has the condition that the government is endeavoring to fit has the government in the flat of a portion of the Condition that the government is endeavoring to fit has the government in the flat of a portion of the Condition that the government is endeavoring to fit has the government in the flat of a portion of the Condition that the government is endeavoring to fit has been for ages the contempt of the cunning and the triumphant theater of the otentatious criminal." There is much force in this—indeed, more than can be easily combated, and we are not, therefore, surprised to learn that it is having effect and attracts the attention not only of jurists and legislators, but The penalty of the cunning been for ages the contempt of the cunning by a late of a portion or common intercourse with the people, expressed through their violes. But the people, expressed through their violes. But the people, expressed through their violes. But the people, expressed through their violes, and the third in Ohio and other States, is worthy of the people, expressed through their violes. But the people, expressed through their viol not only of jurists and legislators, but scientists as well. The Philadel- dic. Among the important measures but, to put the question beyond doubt, If so, what is this, other than a delegaphia Medical Times, a weekly disposed of was the adoption of Senator paper that has in a few months Alcorn's resolution empowering the provides: "No bill shall become a law has been shown, this body was altopaper that has in a few months asserted its title to high consideration as an authority in all matters concerning its specialty, takes notice of this discussion on the gallows, and asks: "Why camoet condemned criminals spend their provides: "No bill shall become a law not there different days in each house." Another resolution of very great importance appoints a committee to inquire into and become a law. Did it so pass? It certainty did not. The bill in question did not pass but one reading in the constitution, or it cannot house and is generated, by the well-known means, until life is extinct? The templates, let us hope, justice for the pressive. The murderer would simply consected exist among men, without any opportunity for bravade, without any his power to endure against a stronger. his power to endure against a stronger power to torture. The law would be game' convict would have no chance to mer, at which matters of interest to the lofect his associates." This would seem discussed and a positive relief to the leading objects, they differ in their de-lin Rogers cz. Rice, 4th Harrington's to be a better plan than that by chloroform suggested by the Tribune. But we are not particular. What we are strictions about is the speedy and efficaclous disposal of criminals, in a way
that will not call for or occasion the
mawkish and sickening accounts of excutions such as the New York papers
indulged in when Foster was hanged.
The Nashville Banner, quite taken with
the extreme humanitarismism that
would provide an easy mode of death for
a brute or brutes that have delight in would provide an easy mode of death for the "woman" controversy for the pres-

A GOOD APPOINTMENT. The school bill, which is among the ew measures passed by the legislature intendent of public instruction, whose

be carefully read. It is unanswerable, demand, not only experience, taste and and will convince the people that they skill, but the utmost patience, until the have a governor who will stand like a machinery of the system is in complete stone wall between them and improper working order. The governor realized and unconstitutional legislation. The this fully, and when he selected Colonel A Statement that will be Satisfactory fact that Governor Brown has not been John M. Fleming gave the people overruled in his vetoes shows that his of the State the very best earnest arguments have convinced the general that he did so, and was determa sembly of its error. The veto mes- ined that no other than a gentlesage we publish this merning is clear man of education, culture, tact and pride and concise in its law and reasons, and in the work before him should occupy veto prohibits unconstitutional legisla expected, there was a large number of tippling bill:

NASHVILLE, March 24, 1873.—Gentletion, and at the same time prevents that applicants for the position, embracing excitement and dissipation incident to the names of men of learning and abili-bill No. 240, entitled "An act to provide

CONGRESSIONAL APPOINTMENT.

the redistricting of the State as follows:
First District—Johnson. Carter, Sullivan,
Washington, Greene, Hawkins, Hancock,
Claiborne, Grainger, Hamblen and Cocke,
Second District—Jefferson, Sevier, Blount,
Monroe, Louden, Roane, Knox, Anderson,
Campbell, Scott, Morgan and Union.
Third District—Polk, McMinn, Mcigs, Rhea,
Bradley, James, Hamilton, Marton, Grundy,
sequatchie, Bedsoc, Van Buren, White, Warren, Dekkib, Camon and Cumberland.
Fourth District—Fentress, verton, Putnam,
Jackson, Clay, Macon, Smith, Trousdale, Wilson, Sumner and Robinson.
Fifth District—Franklin. Lincoln, Marshall, Bedford, Coffee, "Rutherford and
Moore.

Seventh District—Wayne, Lawrence, Giles, swis, Maury, Hickman and Williamson. Fighth District—Henry, Benton, Carrott

Senth District-Shelby, Fayette and Har-This division of the State into congressional districts secures to us of the tenth a voting population of 33,737, made up of 18,927 whites and 14,810 the same language is employed and sim-blacks, divided between the counties as follows: Shelby, whites 14,123, blacks 10,064; Fayette, whites 2178, blacks 3362; and Hardeman, whites 2626, where it is held that a similar provision is mandatory, and that white a statute of repeal abrogating her mighty and matchless mineral and made up of 18,927 whites and 14,810 the same language is employed and simgovernor the vote in these counties stood A BILL PASSED IN VIOLATION OF IT IS ions, or as a statute of repeal abrogating for Brown: In Fayette, 1433; in Hardeenery presenting a landscape of glow-man, 1469; in Shelby, 6508-total, 9500. man, 1469; in Shelby, 6508—total, 9500. For Freeman, in Fayette, 2850; in Hardeman, 1160; in Shelby, 8275—total, 12,285, making an opposition majority of 2785. Considering the complexion of lilinois, requiring a majority of all the votes of each house to be cast, by ayes and noes, on the journals on the final reading of a bill, the supreme court held that the provision was important to be cast, by ayes and could have be constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the population of the constitution of lilinois, requiring a countries named in it, upon the constitution of the constitution of lilinois, requiring a countries named in it, upon the constitution of lilinois, requiring a countries named in it, upon the constitution of the constitution of lilinois, requiring a countries named in it, upon the constitution of th ing beauties, cannot keep pace in the For Freeman, in Fayette, 2850; in Harnessee would keep company with the of 2785. Considering the complexion

takes advanced ground, as it always has on this subject, and brings to bear the orthogonal on this subject, and brings to bear the orthogonal on this subject, and brings to bear the orthogonal or the former. The orthogonal or the practice of State courts in regard the instrument, which invests them with the instrument, which invests them with the instrument, which invests them with the people, the act, as a statute, has no existence. It is not to be deemed a law in the district where such claims the former. The order of the practice of State courts in regard the instrument, which invests them with the instrument, which invests them with the power, and under all the forms, which that instrument has rendered deemed a law in the district where such the order of the practice of State courts in regard to the practice of the practice of State courts in regard to the practice of State courts in the instrument, which invests them with the submitted to the people, the act, as a statute, has no existence. It is not to be deemed a law in the district where such that the instrument, which in the instrument is not to be submitted to the people, the act, as a statut gible to act in the former. The essential." And a Cooley on question was brought on by the re-

effectually put out of the way by a doce est importance. The first is that a large, is very clear; and independent of are to be the subjects of it, by a declara- No. 18 Madison street, of chloroform as in any more violent way, and a sudden and mysterious death, in strict privacy, would impress gated by the Mikado. The second is merely directory, we cannot see

the question whether definite constitutional principles can be dispensed with throughout the empire has been promuling any case, on the ground of their being mandatory and obligatory character?

Not from the legislature, for in the day

rindicated, and the brute courage of the gressmen some time the coming sum- provide against the evils resulting from law; for, I repeat, to give to legislative behalf be determined upon.

THE TIPPLING BILL.

that body is to be remembered, provid- Full Text of the Veto of Governor Brown - Well-Considered and Constitutional Reasons Therefor.

> Constitution in the Manner of its Passage and in its Provisions.

to the People at Large-Efficacy of the Veto Power Sustained.

The following is the full text of the

the people. When the legislature characterized by fairness and candor.

convened in January last, Gov- At the bar, too, and in the legislature he unless by a vote of the people of the dis-

once on three different days and b passed each time in the house where originated before transmission to the other. No bill shall become a law un Among the important measures pass- til it shall have been read and passed or Among the important measures pass-ed by the legislature must be classed shall have received on its final passage,

tutionality, as much as if one of its pro-visions were repugnant to the organic Fighth District—Henry, Benton, Carroll, Perry, Hardin, McNairy, Henderson and In 6th Ohio reports, page 179, the court Ninth District—Weakley, Obion, Lake, Obser, Gisson, Crockett, Haywood, Tipton of the State as follows: Article II, section 16,-Every bill shall

This is held to be a merely directory provision; other cases are cited where

LIMITATIONS,

A MOVEMENT is on foot for a conven-tion of western and southwestern con-and the latter the caption: "An act to ute before it can have the force of a discussed, and a positive policy in their tails, and in some particulars are essenble behalf be determined upon.

Delaware Reports, page 479, a statute tails, and in some particulars are essenble containing the same provisions as tion, whether it is the duty of the execu-SUPERVISING ARCHITECT MULLET, tive to criticize the mode of passing bills by the legislative branch of the

any civil district, upon the condition that the people of the district vote for it?

THE SOLUTION OF THIS QUESTION depends upon the scope of the powers of this department of the government, as derived from the organic law. Under section 3, article 2 of that instrument sovereign power of the people is delegated to the general assembly in emphatic and unqualified language: "The legislative authority of the State shall be vested in a general assembly, which be vested in a general assembly in emphasic and unqualified language: "The proposition was as the vested in a general assembly, which be vested in a general assembly, which be vested in a general assembly, which be vested in a general assembly in emphasic and unqualified language: "The proposition was as the vested in a general assembly in emphasic and unqualified language and unqualified language assembly in emphasic and unqualified language." The proposition was as the vested in a general assembly in emphasic and unqualified language assembly in emphasic and unqualified language. The proposition was as the vested in a general assembly in emphasic and unqualified language. The proposition was as the vested in a general assembly as the district vested from Ohio, New York, Iowa, Indiana, and other States, but the will not allow. The feet might be cited from Ohio, New York, Iowa, Indiana, and other States, but the will not allow. The feet might be cited from Ohio, New York, Iowa, Indiana, and other States, but the will not allow. The feet might be cited from Ohio, N

the law, or to interfere with the ordinary purposes. They cannot control the legislation of the State." They can higher consideration—whether the conchange their constitution and lodge the stitution has been complied with. It and concise in its law and reasons, and in the work before him should occupy and concise in its law and reasons, and in the work before him should occupy the following is the full text of the legislative power where they please; does not matter whether the optional but while that organic law remains as it law were for the restraint of licenses, or tippling bill:

Nashville, March 24, 1873.—Gentlemen of the General Assembly: Senatement can only be changed in the instrument can only be changed in the mode pointed out by itself. And if lying the question is the same the proposed election. Experience has fully demonstrated that legislation, however stringent, cannot make sober men out of drunkards, and we are glad that for the proposed election. Experience has fully demonstrated that legislation, however stringent, cannot make sober men out of drunkards, and we are glad that for the proposed election. Experience has fully demonstrated that legislation, however stringent, cannot make sober men out of drunkards, and we are glad that for the proposed election. Experience has fully demonstrated that legislation, however the proposed election. Experience has fully demonstrated that legislation, however the proposed election. Experience has fully demonstrated that legislation, however the proposed election. Experience has fully demonstrated that legislation, however the proposed election. Experience has fully demonstrated that legislation, however the proposed election. Experience has fully demonstrated that legislation, however the proposed election. Experience has fully demonstrated that legislation, however the can make one law that becomes effect that the rule of intoxicating liquors in the State of the people, it can legislate upon any question is the same to the careful against the evils resulting from the sale of intoxicating liquors in the State of the careful against the evils resulting from the sale of intoxicating liquors in the State of the careful against the evils resulting from the sale of intoxicating liquors in the State of the careful can make one law that becomes effect that the rule of intoxicating liquors in the state of in Governor Brown has rid the people of and the magnitude of the work to be a function, the discussion of which would have resulted in no good.

The policy of Governor Brown in regard to the indebtedness of the State is regard to the people in any locality, the provisions, render the provisions of the people in any locality, an

refusal to sign the bill are respectfull

INSURANCE.

STATEMENT OF THE

Insurance Company,

Ausets:

Dividends due Stockholders and Scrip and Scrip Interest unclaimed \$ 49,790.30

429,918,44 224,719.65

_ 1,001,305.0

...\$145,493,50

82,001,313.02

82,001,313.02

CYRUS PECK, Secretary.

ED, R. PENNEBAKER, Comptroller of State of Tennesses

GREENE & LUCAS, Ag'ts,

NO. 18 MADISON STREET,

(KNICKERBOCKER BUILDING,)

STATEMENT OF THE

PHENIX

Insurance Company,

eccivable for Marine premiums 154,104,99

Liabilities:

PHILANDER SHAW, Secretary.

ED. R. PENNEBAKER, Comptroller of State of Tennessee

GREENE & LUCAS

Agents,

Enickerbocker Building.

-OF THE-

LIVERPOOL

INSURANCE COMPANY,

ALFRED PELL, Resident Secretary.

ED. R. PENNEBAKER,

STEPHEN CROWELL, President.

osses unpaid (this amount includes \$238,386.74 then unpaid of Boston losses, nearly all of which are paid at the time of issuing this state-ment. Total number of Boston losses 60, of which 60 have been al-ready paid, all of them before matu-

Loans on Bond and Mortgage (on real estate, worth \$1,312,750)

Cash Surplus Assets ...

JOHN C. BROWN,

nal code could be subjected to the same ests. Whether courts should be held general assembly, these reasons for my in any specified locality, or held at all, might be made dependent upon the submitted. ly can declare that the right to exercise e privilege, in any locality, shall be pendent upon a popular vote, it can ertainly apply the same test to all, ursuits absolutely necessary to the health and happiness of a community re declared privileges by our code of CONTINENTAL laws. Suppose the general assembly should deciare that the privilege of selfing drugs and medicines should be exer eised only upon a permissive vote of the people, and should prescribe a day, a

ear hence, as THE TIME FOR HOLDING THE ELECTION, OF NEW YORK, JANUARY 1, 1873. will any one say such a law would be ustified by the spirit of our constitution? ertainly not; and although the subject f the two laws are very different in their relations to society, yet, where is the difference in principle? They are the difference in principle? They are both privileges and slike subject to the regulations of law. The question of a delegation of power by the general asembly has but seldom come before our surts. In third Sneed, 645, it is said: KcKinney, judge) "The delegation of the constituent body, in whom the original power resides or by its express authority." Again, in speaking of the powers of the general assembly, the earned judge says: "Yet the constitution has prescribed certain bounds which it (the legislature) cannot transcend, and beyond these limits its acts are void, The idea of a transfer or delegation thereof (referring to legislative powers)

being in direct opposition to the design and ends of its creation." IN THAT CASE THE COURT HELD bat the general assembly could not delegate the power conferred by the constitution of 1834, to grant charters to in- Amount since paid corporations, to the courts. Before the adoption of the constitution of 1834 it was held in Enloe vs. Marr, I Yerger, 452, that the general assembly could not authorize a county to levy a tax, nor uld it delegate the power of taxation; and it has since been held that the right o empower a county or corporation to vy a tax exists only in a direct authory of the constitution. But we have atutes similar to this bill have been subjected to judicial tests. In Pennsylvania an act with essentially the same provisions was tested before the supreme Memphis, - - Tenn. court in the case of Parker vs. Common-wealth, 6th Pennsylvania State reports, UNCONSTITUTIONAL. existing laws, depends for its validity and binding force, with the several OF BROOKLYN, N. Y., JAN'Y 1, 1873.

rest of the world in the 'progress of the times, she must sustain John C. Brown in his noble efforts to preserve a name for honesty.

The question whether negro citizens

The question whether negro citizens and could not be dispensed with by the legislature. (14th Illinois, 183.) In Cooley's excellent treatise on Constitutional Law, page 130, it is said; "For not only is it essential that the will of the law-maker be expressed, but it is also when so bidden into life its existence, as at 7 per cent, interest.

The question whether negro citizens and could not be dispensed with by the legislature. (14th Illinois, 183.) In Cooley's excellent treatise on Constitution of their voice in their printional Law, page 130, it is said; "For not only is it essential that the will of the law-maker be expressed, but it is also when so bidden into life its existence, as at 7 per cent, interest.

Cash in course of transmission by its no act, creates no offense, points out the law-maker be expressed, but it is also at the law-maker be expressed in due. imperative, and could not be dispensed remains a dead letter until breathed up in The question whether negro citizens are eligible as jurors is new agitating Georgia. Judge Erskine has rendered a decision denying that the act of 1840 binds United States courts to conform to the practice of State courts in regard that effect in the mode pointed out by negatively upon the question, yearly to Accrued interest.

vanced against negro eligibility.

deriy transaction of business. That it is designed to prevent hasty and improvident legislation, and is, therefore, not a mere rule of order, but one of protection to the public interests and to the citizens at datory and obligatory upon those who

We have deep compense to suspend would provide an easy mode of death for a larking life, even finded high, suggests that "Annahomists, in Milling animals a pain can be demand all the space we an appropriate as to demand all the space we are all its space we are appropriated by the world be arrested for ungoing the world by the speakers of the constitution in the fort as the world between the world by the speakers of the constitution in the fort as the world between the

be vested in a general assembly, which shall consist of a senate and house of representatives," etc. And there is no where in the constitution the lodgment of power to make laws, except in this department of the government. The people cannot make a law by their own direct and because they have delicated and the outsided voters of the constitution where the constitution of the government of the government. The people cannot make a law by their own direct and because they have delicated and their own direct and because they have delicated and the qualified voters of the constitution of all the qualified voters of the people cannot make a law by their own direct and because they have delicated and the qualified voters of the people cannot make a law by their own direct and because they have delicated and the qualified voters of the people cannot make a law by their own direct and because they have delicated and the qualified voters of the people cannot make a law by their own direct and because they have delicated and the qualified voters of the people cannot make a law by their own direct and because they have delicated and the qualified voters of the people cannot make a law by their own direct within this State, by a vote of the people cannot make a law by their own direct and the qualified voters of the people cannot make a law by their own direct and the qualified voters of the people cannot make a law by their own direct and the people cannot make a law by their own and the people cannot make a law by their own and the people cannot make a law by their own and the constitution of the constitution of the constitution of the people cannot make a law by their own and the people cannot make a law by their own and the constitution of the constitution of the people cannot make a law by their own and their own and the constitution of the

that power to their representatives and senators in the general assembly; nor could the general assembly in joint convention do so. In the language of an eminent jurist, "They thus solemnly and emphatically divested themselves of all right, directly, to make or dealers."

IN ENDLESS VARIETY.

SILK SCARFS, SILK, LACE AND MUSLIN TIES, within their respective limits."

IN MAKING THIS DISPOSITION OF THE BILL.

ALSO, A GREAT VARIETY (F

all right, directly, to make or declare I have had no reference to its objects or the law, or to interfere with the ordinary purposes. They cannot control the IN ALL THE NEW SHAPES AND STYLES.

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